

Exhibit E

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NUANCE COMMUNICATIONS, INC.,)	
)	
Plaintiff,)	
)	C.A. No. 17-1484-MN-SRF
v.)	
)	JURY TRIAL DEMANDED
MMODAL LLC,)	
)	
Defendant.)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to paragraph 9(ii) of the Scheduling Order (D.I. 34) and the stipulated Claim Construction Schedule (D.I. 102), Plaintiffs Nuance Communications, Inc. (“Nuance” or “Plaintiff”) and Defendant MModal LLC (“MModal” or “Defendants”) submit the following Joint Claim Construction Chart. The parties are concurrently filing exhibits including the patents-in-suit and portions of the intrinsic record relied on in support of the parties’ constructions.

Each party reserves the right to rely on portions of the intrinsic record cited by the other party in the joint claim construction chart. Each party further reserves the right to rely on additional intrinsic evidence in the event it is necessary to rebut evidence and arguments made by the other party.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

DUANE MORRIS LLP

By: /s/ Bindu A. Palapura
David E. Moore (#3983)
Bindu A. Palapura (#5370)
Stephanie E. O'Byrne (#4446)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
sobyne@potteranderson.com

Attorneys for Plaintiff

Dated: September 28, 2018
5942855/43964

By: /s/ Richard L. Renck
Richard L. Renck (#3893)
222 Delaware Ave., Suite 1600
Wilmington, DE 19801
Tel: (302) 657-4900
rlrenck@duanemorris.com

Attorneys for Defendants

JOINT CLAIM CONSTRUCTION CHART**I. AGREED TERMS/CONSTRUCTIONS**

Patent / Claims	Term	Agreed Construction
7,379,946 1	“said template”	“said report template”
6,766,295 1, 2, 56, 57, 66, 68	“speech recognition system”	“device or combination of devices, which could include general-purpose computers, special-purpose computers, or dedicated hardware circuits, and the software thereon, that recognize speech”
6,766,295 1, 2, 57, 60, 66, 68	“speaker”	“the person who is doing the speaking”
6,766,295 2	“speech samples”	“at least two samples of a speaker’s speech”
6,999,933 9	“allowing a synchronous playback mode, in which, during the acoustic playback of the speech information (SD) the word of the recognized text information (ETI), by which word is marked by the link information (LI) for the speech information(SD) just played back is marked synchronously, while the word just marked features the position of an audio cursor (AC)”	Correction: As seen in col. 2, lines 60-65, there should a comma after “acoustic playback of the speech information (SD),”

II. DISPUTED TERMS/CONSTRUCTIONS**U.S. Patent No. 7,379,946**

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
Order of steps. 1	The steps of the claim must be performed in the order in which they appear	<u>946 Specification</u> Claim 1; 5:3-6; 8:10-50; 10:4-43; FIG. 2; FIGS. 3A; 3B	Disagree	<u>946 Specification</u> 6:41-46, 15:32-26, Figs. 2-5, claim 1.
“latent information” 1	“relevant data within the input data stream identified using natural language processing”	<u>60/557,834 Specification</u> Title, Abstract, ¶¶ 1002, 1014, 1016-1018, 1030, 1032-1033, 1037, 1043 <u>946 Specification</u> Title, 2:10-26; 4:22-32; 4:52-56; 5:27-30; 7:10-16; 7:17-33; 7:56-61; 8:17-28; 8:52-57; 8:64-9:8; 10:28-33; 11:12-41; 12:51-52 <u>946 File History</u> Response dated 8/24/2007, including at pp. 4-7, 10	“relevant data identified within the input data stream”	<u>946 Specification</u> 2:27-33, 2:40-59, 7:10-16, Fig. 3B, claim 1.
“activating a relevant report template based on the said identified	“retrieving and presenting a relevant report template to a user in response to identifying latent information”	<u>60/557,834 Specification</u> ¶¶ 1014, 1033-1035, 1037-1038, 1040-1041 <u>946 Specification</u>	No construction necessary.	<u>946 Specification</u> 5:39-48, 8:29-47, 11:27-12:17, claim 1, 6

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
latent information” 1		7:34-38; 8:29-47; 9:21-38; 11:28-51; 12:51-54		
“[a/the] report” 1, 5	“[a/the] report template in which the empty fields have been populated with template specified data”	See support for “report template”	No construction necessary.	<u>946 Specification</u> 6:1-4, 7:56-8:9, 9:56-10:3, 10:54-64, 12:18-26, claim 1, 5.
“report template” 1,6	“user-cognizable form with empty fields to be populated with template-specified data to provide a report”	<u>60/557,834 Specification</u> ¶¶ 1002, 1030-1031, 1039, 1044 <u>946 Specification</u> 4:46-51; 7:50-55; 9:56-10:3; 10:25-30; 10:54-64; 11:28-31; 11:52-67 <u>946 File History</u> Response dated 10/10/07, including at pp. 13-14 Response dated 8/24/2007, including at p. 10	No construction necessary. In the alternative, “form for a report”	<u>946 Specification</u> 7:56-8:9, 9:56-10:3, 10:54-64, 12:18-26, claim 1, 6.

U.S. Patent No. 6,766,295

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
Preamble 1	The preamble is limiting	<u>295 Specification</u> Claim 1 <u>295 File History</u> Response dated 1/25/2001, including at p. 7 Response dated 6/15/2001, including at p. 11 Response dated 1/3/2002, including at p. 5	Disagree	<u>295 Specification</u> Claims 1, 16, 30, 45, 51 2:33-65
“sample of the speaker’s speech” 1	“predetermined amount of a speaker’s speech”	<u>295 Specification</u> Abstract; 2:40-62; 4:39-40; 4:63-5:4; 5:65-6:4; 7:16-18; 7:32-45 <u>295 File History</u> Response dated 1/25/2001, including at p. 7 Response dated 1/3/2002, including at p. 2 Response dated 2/5/2002, including at p. 2	“item or items from a speaker’s speech”	<u>295 Specification</u> Abstract, Figure 3, Figure 5, 2:40-46, 2:54-65, 4:39-53, 5:65-6:4, 7:23-29
“remote session”	“period of communication, during which a speaker is	<u>295 Specification</u> Abstract; 2:40-42; 2:54-62;	“a session between devices in which the	<u>295 Specification</u>

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
1	speaking, between a first device that receives the voice input and a second device that recognizes speech based on the voice input where the first and second devices are located at different locations and are connected to one another via a wired or wireless connection”	<p>5:65-6:4; 7:32-45</p> <p><u>90/011,126 Reexam</u></p> <p>Response dated 9/19/2011, Exhibit B, including Interview Slides at Slide 14</p> <p>Response dated 9/19/2011, Exhibit D (Ganong III Declaration), including at pp. 4-5, 19-22</p> <p>Response dated 9/19/2011, including at pp. 4-5</p> <p>1/12/2012 Statement of reasons for Patentability and/or Confirmation, including at p. 3</p>	input voice device is at a different location from the portion of the speech recognition system that recognizes the speech”	Abstract, Figure 2, 2:33-37, 3:61-66
“...modifying the speech recognition system by incorporating the sample into the speech recognition system thereby forming a speaker-specific	“...modifying the speech recognition system to form a speaker-specific modified speech recognition system that includes the sample of the speaker’s speech”	<p><u>295 Specification</u></p> <p>Claims 1, 4, 5, 6, 51, 56, 57, 58, 59, 70, 74; FIG. 2; Abstract; 1:18-30; 3:11-52; 4:14-18; 5:65-6:60; 7:9-14; 7:57-8:5</p> <p><u>295 File History</u></p> <p>Response dated 1/25/2001, including at pp. 2-5, 7-8</p>	“. . . modifying the speech recognition system based upon the sample to form a speaker-specific modified speech recognition system”	<u>295 Specification</u> Claim 4 2:39-65, 4:47-53, 5:7-30, 5:61-6:4, 6:48-53, 7:1-8, 7:14-45.

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
modified speech recognition system” 1		Response dated 6/15/2001, including at pp. 11 Response dated 1/8/2004, including at pp. 2-9, 11, 12 <u>90/011,126 Reexam</u> Response dated 5/11/2011, including at pp. 33-34 <i>See also</i> support for “a representation of the speaker-specific...”		
“a representation of the speaker-specific modified speech recognition system” 1, 68	“a computer-readable description of the device or combination of devices, which could include general purpose computers, special purpose computers, or dedicated hardware circuits and the software thereon, that recognize speech of a specific speaker”	<u>295 Specification</u> Claims 4, 51; 2:50-53; 5:7-12 <u>295 File History</u> Response dated 1/25/2001, including at pp. 2-5, 7 <u>90/011,126 Reexam</u> Response dated 5/11/2011, including at p. 44 Response Dated 9/19/2011, including at pp. 18	No construction necessary.	<u>295 Specification</u> Claim 4, 5:7-19, 7:1-8

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
		See also support for “...modifying the speech recognition system...”		

U.S. Patent No. 6,999,933

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
Preamble 9	The preamble is limiting	<u>933 Specification</u> Claim 9	Disagree	<u>933 Specification</u> Claim 1, 9 4:38-41; 8:37-39
“allowing a synchronous playback mode” 9	Plain and ordinary meaning – no construction necessary	<u>933 Specification</u> Claims 9, 14, 15; FIG. 2; 1:7-12; 1:19-22; 2:46-3:2; 3:24-28; 3:53-62; 4:38-41	“a correction device permitting a synchronous playback mode”	<u>933 Specification</u> Abstract, 2:27-46, 2:60-65; 5:7-25; 5:64-6:3
“cursor” 9, 10, 11	“position marker”	<u>933 Specification</u> Claim 9; FIG. 1; 1:42-55; 2:26-45; 2:60-65; 3:44-4:21; 5:31-55; 5:67-6:3; 6:26-29; 8:20-26 <u>933 File History</u> Notice of Allowance mailed 10/06/2005	No construction necessary. In the alternative, “movable indicator on a computer screen”	<u>933 Specification</u> 1:13-15; 1:51-58; 1:65-2:6; 7:22-29; 7:61-67

U.S. Patent No. 8,117,034

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
Preamble 8	The preamble is limiting	<u>034 Specification</u> Claim 8 <u>034 File History</u> Response dated 6/19/2009, including at pp. 2-10	Disagree	<u>034 Specification</u> Claim 1, claim 8 4:19-21; 6:21-23; 8:11-13
“positioning the text cursor at a predetermined position relative to a location of the audio cursor” 8	“displaying the text cursor at a non-zero distance from the location at which the audio cursor is displayed”	<u>034 Specification</u> FIG. 1; 3:22-39; 3:64-4:12; 5:9-25; 6:48-63; 7:51-61 <u>034 File History</u> Final Office Action mailed 3/31/2010, including at pp. 6-7 Response dated 6/30/2010, including at pp. 2-12 Non-Final Office Action mailed 10/27/2010, including at pp. 4-5 Response dated 3/28/2011, including at pp. 12-13 6/27/2011 Notice of Allowance / Reasons for Allowance, including at pp. 2-3	No construction necessary.	<u>034 Specification</u> 3:40-48, 3:54-4:3, 7:21-28, 7:39-8:2 <u>034 File History</u> File History at 01/11/2012 Post-Allowance Communication, p. 2

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
		10/13/2011 Notice of Allowance / Reasons for Allowance, including at p. 3 <i>See also</i> support for “cursor”		
“cursor” 8, 13	“position marker”	<u>034 Specification</u> Claims 1, 8, 14, 20; FIG. 1; 1:41-56; 2:22-40; 2:56-61; 3:22-39; 3:54-63; 5:9-32; 5:44-47; 6:3-7; 7:62-8:1 <u>034 File History</u> Response dated 6/19/2009, including at 2-9 Response dated 1/27/2010, including at p. 11 Response dated 3/28/2011, including at pp. 12-14	No construction necessary. In the alternative, “movable indicator on a computer screen”	<u>034 Specification</u> 1:13-15, 1:49-56, 1:62-2:3; 6:64-7:4; 7:37-43 <u>034 File History</u> File History at 03/28/2011 Response, p. 15
“automatically synchronizing” 8, 13	Plain and ordinary meaning – no construction necessary	<u>034 Specification</u> Claims 8, 13; 3:40-48; 4:7-12; <u>034 File History</u>	“synchronizing, by a device, the movement of the text cursor with the movement of the audio cursor”	<u>034 Specification</u> Claims 8, 11, 13 1:19-21; 2:4-9, 3:31-48; 4:7-12; 7:37-43; 8:14-20 <u>034 File History</u>

Term/Claim #	MModal Construction	MModal Intrinsic Evidence	Nuance Construction	Nuance Intrinsic Evidence
		<p>Response dated 1/27/2010, including at pp. 2-5, 10, 11, 13-14</p> <p>Response dated 6/30/2010, including at pp. 2-9</p>		<p>File History at 06/19/2009 Response, p. 9</p> <p>File History at 6/30/2010 Response, p. 10</p> <p>File History at 1/27/2010 Response, p. 10-11</p>